

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 9, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Richard Nuernberger, County Treasurer
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 2, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the Board of Equalization minutes dated May 2, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 22 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Calvary United Methodist Church
Catholic Social Services
Food Bank of Lincoln, Inc.
Wyuka Cemetery**

MOTION: Steinman moved and Workman seconded approval of motor vehicle tax exemptions for Calvary United Methodist Church, Catholic Social Services, Food Bank of Lincoln, Inc. and Wyuka Cemetery. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 2, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated May 2, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, May 9, 2000.

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award, in the amount of \$600, for Donnie Brandt, an employee with the Corrections Department. (M-00-38)

MOTION: Heier moved and Workman seconded approval of a one time cash award, in the amount of \$600, for Donnie Brandt. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. Region V Annual Report - Dave Merrill, Executive Director

Dave Merrill, Director of Region V Services, disseminated documentation regarding the annual report (Exhibit "A") and presented a brief summary in relation to the following:

- * Developmental disabilities
- * Profile sheet

- * Financial report
- * Director's report for May, 2000
- * County funding
- * Growth

Michelle VanEngen, Director of Lincoln Services 4, disseminated a flyer (Exhibit B) regarding their new office location and the location for their new day program, SOAR (Socialization Opportunities, Activities & Recreation).

4) **PUBLIC HEARINGS:**

- A. **County Special Permit 178, Little Nemaha Lake Estates Community Unit Plan, requested by Brian D. Carstens & Associates on behalf of De L. Halbert, consisting of nine dwelling units, on property generally located at South 148th Street and East Shiloh Road in Lancaster County, Nebraska.**
- B. **County Preliminary Plat 00003, Little Nemaha Lake Estates, requested by Brian D. Carstens & Associates on behalf of De L. Halbert, consisting of nine residential lots, one outlot for a lake and one outlot for a private road, on property generally located at South 148th Street and East Shiloh Road in Lancaster County, Nebraska.**

Campbell opened the public hearings for both County Special Permit 178 and County Preliminary Plat 00003 and indicated that the County Board reviewed the materials and in agreement with the developers had asked that a community meeting be held for the neighbors. She added that the meeting will be held on Saturday, May 13, 2000 at 10 a.m. in the Bennet Community Center.

Campbell further stated that the County Board will take testimony at the present time and then recess the hearings until Tuesday, May 16th at which time Brian Carstens, developer, would make his presentation.

Campbell asked if anyone wished to testify.

No one appeared and the hearings were recessed until Tuesday, May 16, 2000.

5) **OLD BUSINESS:**

Response to approval request numbers one and two on the Lancaster County Juvenile Detention Center Project; proposal request one, in the amount of \$6,754, to remove an existing tree grouping and proposal request two, in the amount of \$15,549, for additional grading on the south lot line. (M-00-33)

Kerry Eagan, Chief Administrative Officer, reported no additional information had been received. He added that he spoke with Chris Beardslee, Sinclair Hille, who indicated they have been unable to hold any negotiations or come to agreement on an appropriate pricing for the grading work because Mr. LeGrande is still out town.

Eagan suggested that the item be held for one week.

By direction of the Chair, the item was held for one week.

6) **NEW BUSINESS:**

- A. An application for a Special Events Permit from the University Sertoma Club to hold the Vineyard Valley Bike Ride to raise money for club sponsorships on Saturday, May 13, 2000 beginning at 7 a.m. and ending at 5 p.m. The ride begins and ends at James Arthur Vineyard, located at 2001 West Raymond Road, and is approximately nine miles in length.**

Sandra Toulborg, applicant, appeared and stated the University Sertoma Club is a non-profit organization which raises money for various sponsorships in the community. She stated the participants will have three ride options of 25 miles, 50 miles or 75 miles. Toulborg added they have safety precautions in place, including signage alerting motorists that cyclists are ahead. Also, personnel will be on the route to ensure that the cyclists follow the rules of the road and informational sessions will be held with the cyclists prior to the start of the ride.

In response to a question asked by Steinman, Toulborg stated there are currently 36 individuals signed up, however, if the weather is good there would likely be 50 to 60 participants.

Toulborg stated they wanted law enforcement present at the ride, however, Terry Wagner, Lancaster County Sheriff, indicated he wasn't sure if there would be law enforcement available.

Hudkins asked Toulborg why they wanted to hold the ride during the spring.

Toulborg responded that there are several long tours in the near future and their bike ride would afford an opportunity for cyclists to train for those events.

Hudkins stated April and May are not good times of the year to hold a bike ride. He noted that 14th Street, Highway 79 and Raymond Road do not have shoulders and it is very dangerous to come upon a group of bicyclists when farmers are moving large equipment. Hudkins said he would have appreciated a route that had shoulders on the road and which would have made the ride safer, particularly during the spring months.

Toulborg said cyclists in the County would appreciate shoulders being included when new roads are being constructed.

Hudkins stated they have asked the County Engineer to take enough right-of-way when new roads are being constructed so that shoulders may be included.

Terry Wagner, Sheriff, stated he felt he couldn't recommend denial and then authorize deputies to work off-duty. He said he was not in favor of the route and feels it is very similar to South 68th Street which has always received a recommendation of denial because of the amount of traffic, the hills and the speed. He added that 14th and Raymond Road is the main concern. The only alternative, Wagner stated, would be to hold the ride on a road which has shoulders.

Workman asked if there was any other option going north which would have a shoulder.

Wagner stated Highway 77 would be the only option going north which would have a shoulder.

In response to a question asked by Steinman regarding County liability, Dave Johnson, Deputy County Attorney, stated if the County Board denies the application the County could not be held liable. If the application were approved the County would be placed at risk.

Toulborg stated the only option would be to inform the riders as they arrive at the vineyard that the ride would begin in Ceresco instead of the vineyard. She added that they could also move the hotdog feed to the park in Ceresco if permission can be obtained.

MOTION: Steinman moved and Hudkins seconded denial of the application for a Special Events Permit from the University Sertoma Club.

Heier stated he would not want to see anyone hurt in the bike ride and that he is in favor of the event, however, not with the route which they chose.

Campbell stated the liability issues weigh heavily on the County Board.

Hudkins added that the County Engineer's recommendation also notes concerns.

ON CALL: Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

B. Concurrence with Mayor Don Wesley's appointment of Gina Dunning as Administrator of the Lincoln Area Agency on Aging, at a salary of \$64,500.

MOTION: Steinman moved and Workman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- C. **A contract with Sonia Breslow to purchase real property described as Lots 12 and 13, Block 69, Original Plat of Lincoln, Lancaster County, Nebraska, for \$72,561. This is a joint purchase with the City of Lincoln. (C-00-201)**

MOTION: Hudkins moved and Heier seconded approval. Steinman, Hudkins, Heier and Workman voted aye. Campbell abstained from voting due to a conflict of interest. Motion carried.

- D. **An agreement with Norris Public Power District of Beatrice, Nebraska, in the amount of \$7,731.59, to adjust its facilities in relation to County Engineer Project C55-X-405(2), South 68th Street and Princeton Road. (C-00-233)**

MOTION: Steinman moved and Hudkins seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- E. **An agreement with Norris Public Power District of Beatrice, Nebraska, in the amount of \$6,800.08, to adjust its facilities in relation to County Engineer Project C55-CF-405(2), North 14th street and Raymond Road. (C-00-232)**

MOTION: Workman moved and Steinman seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- F. **A right-of-way easement for Peoples Natural Gas to construct and operate a pipeline in Wilderness Park as shown in the attached aerial view. (C-00-234)**

MOTION: Steinman moved and Hudkins seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- G. **A resolution transferring appropriations, in the amount of \$250,000, from the General Government Budget to the Juvenile Court Budget, effective May 9, 2000. (R-00-50)**

Dave Kroeker, Budget & Fiscal Director, stated the County Board had received a letter from Juvenile Court requesting an additional \$360,000 to \$471,000 for the current fiscal year. The largest item, he said, is the boarding contracts. The Juvenile Court budget is \$1,497,000 with 38 percent of it going toward legal services, 39 percent for boarding contracts and 23 percent for salaries/others. Kroeker noted that boarding contracts are 108 percent over budget and that \$250,000 is needed to fund their obligations, excluding the boarding contracts.

MOTION: Hudkins moved and Heier seconded approval of Resolution 00-50. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

- H. **Concurrence in the award of bid for installation of a stop light at the intersection of Highway 77 and Old Cheney Road, Project ELEC-77-2(1045). (B-00-23)**

MOTION: Steinman moved and Heier seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- I. **Authorization of National Bank of Commerce, as Trustee, to disburse \$1,942.29 from the juvenile detention center bond proceeds to Olsson & Associates for platting and design services in preparation of the Dairy Drive right-of-way for the new Lancaster County Juvenile Detention Center. (M-00-37)**

MOTION: Workman moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- J. **A salary increase for Dean Settle, Executive Director of the Community Mental Health Center, from \$70,000 to \$73,000, retroactive to the date of April 14, 2000.**

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- K. **A salary increase for Shawn Elliott, Deputy Public Defender, to Attorney II, at an annual salary of \$54,569, effective May 4, 2000. (M-00-34)**

MOTION: Workman moved and Steinman seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- L. **A political subdivision tort claim filed against the Corrections Department by Dana Wright, in the amount of \$5.20, for lost property.**

MOTION: Workman moved and Heier seconded to accept the Director's recommendation and deny the tort claim.

Workman stated a lot of work had gone into reviewing the claim and that at some point in the future he hoped someone would find a better way to investigate tort claims.

Campbell suggested that an item be placed on the next Board of Corrections meeting to review the procedures regarding tort claims.

Steinman stated she would like to continue seeing the results of the investigation.

ROLL CALL: Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- M. A political subdivision tort claim filed against the Corrections Department by Kevin Rummel, in the amount of \$330, for lost property.**

MOTION: Steinman moved and Workman seconded to accept the Director's recommendation and approve the tort claim, in the amount of \$84. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- N. Request from Britton Shannon DeWeese, an employee with the County Engineer's Office, to voluntarily participate in the Lancaster County Retirement Plan. (M-00-35)**

MOTION: Workman moved and Steinman seconded approval. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- O. Request from Cindy Pittman, an employee with the County Assessor's Office, to voluntarily participate in the Lancaster County Retirement Plan. (M-00-36)**

MOTION: Heier moved and Hudkins seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. County Clerk's Monthly Report for April, 2000**
- 2. Lancaster Manor's Monthly Report**
- 3. Lincoln Electric System's Annual Report for 1999**

B. Rights-of-way contracts relating to road improvements between the County Engineer and the following:

- * Paul M. and Darlene D. Mundt at Southwest 128th Street and West Sprague Road; Project C.P. U-239 and Project C.P. U-240. This is a land donation. (2 contracts) (C-00-223 and C-00-224)**
- * Dale and Mona Herman, in the total amount of \$408.50, at Southwest 128th Street and West Sprague Road; Project C.P. U-239 and Project C.P. U-240. (2 contracts) (C-00-225 and C-00-226)**
- * Brenda K. Meinke at Southwest 128th Street and West Sprague Road; Project C.P. U-97. This is a land donation. (C-00-231)**

- * Daryl D. Mitchell, in the amount of \$87.26, at South 25th Street and Martell Road; Project C.P. S-265. (C-00-227)
- * Dale E. and Shirley M. Alder on Yankee Hill Road from South 14th to South 27th Streets; Project C55-O-411(1). This is a land donation. (C-00-228)
- * Richard O. and Marlene M. Olson, in the amount of \$227.50, at Southwest 86th Street and Stagecoach Road; Project C.P. U-29. (C-00-229)
- * Donna G. Bainbridge on North 176th Street and Alvo Road; Project C.P. H-200. This is a land donation. (C-00-230)

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

8) **ANNOUNCEMENTS:**

Campbell reminded the public to vote.

9) **ADJOURNMENT**

MOTION: Steinman moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk